



**WHITESTONE**  
solar farm

# WHITESTONE SOLAR FARM

## Volume 6: Environmental Statement

### 6.20 Appendix 6.1: Legislation, Policy, and Guidance

Application Document ref. EN0110020/APP/6.20

Revision 01

June 2026

**Planning Act (2008)**  
Infrastructure Planning (Applications:  
Prescribed Forms and Procedure)  
Regulations 2009  
Regulations 5(2)(a)

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## ENVIRONMENTAL STATEMENT

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**Whitestone Net Zero Ltd**

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### Glossary

Term	Meaning
<i>Environmental Statement (ES)</i>	The Environmental Statement which presents the environmental information relating to the Proposed Development. The ES has been prepared to present information for formal consultation in accordance with current EIA regulation.
<i>The Applicant</i>	Whitestone Net Zero Ltd.
<i>The Application</i>	The Application submitted to the Secretary of State for a Development Consent Order.
<i>The Proposed Development</i>	The proposed Whitestone Solar Farm.

### Acronyms

Acronym	Meaning
<i>BCT</i>	Bat Conservation Trust
<i>BNG</i>	Biodiversity Net Gain
<i>BoCC</i>	Birds of Conservation Concern
<i>CIEEM</i>	Chartered Institute of Ecology and Environmental Management
<i>CNP</i>	Critical National Priority
<i>DCC</i>	Derbyshire County Council
<i>DCO</i>	Development Consent Order
<i>DEFRA</i>	Department for Environment, Food and Rural Affairs
<i>EU</i>	European Union
<i>EDP</i>	Environmental Delivery Plans
<i>EIA</i>	Environmental Impact Assessment
<i>EIP</i>	Environmental Improvement Plan
<i>ES</i>	Environmental Statement
<i>GCN</i>	Great Crested Newt
<i>HRA</i>	Habitat Regulations Assessment
<i>ILP</i>	Institute of Lighting Professionals
<i>LBAP</i>	Local Biodiversity Action Plan
<i>LNRS</i>	Local Nature Recovery Strategy
<i>LPA</i>	Local Planning Authority
<i>NEDDC</i>	North East Derbyshire District Council
<i>NERC</i>	Natural Environment and Rural Communities
<i>NPPF</i>	National Planning Policy Framework

## ENVIRONMENTAL STATEMENT

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Acronym	Meaning
<i>NPS</i>	National Policy Statement
<i>NRL</i>	Nature Restoration Levy
<i>NSIP</i>	Nationally Significant Infrastructure Project
<i>oCEMP</i>	Outline Construction Management Plan
<i>oLEMP</i>	Outline Landscape and Ecology Management Plan
<i>oOEMP</i>	Outline Operational Environmental Management Plan
<i>SAC</i>	Special Area of Conservation
<i>SNCB</i>	Statutory Nature Conservation Bodies
<i>SoS</i>	Secretary of State
<i>SPA</i>	Special Protected Area
<i>SSSI</i>	Site of Special Scientific Interest

### Units

Units	Meaning
N/A	N/A

## 6.1 Legislation, Policy, and Guidance

This Appendix sets out the Legislation, Policy and Guidance for, and should be read in conjunction with, **Environmental Statement (ES) Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**.

### Legislation

#### **Directive 2009/147/EC on the Conservation of Wild Birds ('Birds Directive')<sup>1</sup>**

- 6.1.1 The Birds Directive aims to protect all species of naturally occurring European wild birds and the habitats of listed species through the Special Protection Area (SPA) network and by providing protection for the birds themselves. Reference to the Scoping Opinion on SPAs within the Proposed Development is included in Section 6.3 of **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**.

#### **Directive 92/43/EEC on Conservation of Natural Habitats and of Wild Fauna and Flora (as amended) ('Habitats Directive')<sup>2</sup>**

- 6.1.2 The Habitats Directive aims to ensure the conservation of natural habitats and of wild fauna and flora in Europe through the designation of Special Areas of Conservation (SAC) and protection for certain species in the European context. Species include bats, great crested newt (GCN), and otter, Reference to the Scoping Opinion on SACs within the Proposed Development is included in Section 6.3 of **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**.

#### **Hedgerow Regulations 1997<sup>3</sup>**

- 6.1.3 The Hedgerow Regulations prohibits the removal of most countryside hedgerows (or parts of them) without first notifying the local planning authority (LPA). The removal of any hedgerow to which the Regulations apply is permitted if it is required for carrying out development for which planning permission has been granted. The regulations define 'important hedgerows' which are discussed in the assessment.

#### **Protection of Badgers Act 1992<sup>4</sup>**

- 6.1.4 Prohibits the deliberate killing, injuring or capturing of a wild badger, and any interfering with badger setts. The assessment of effects on badgers is referenced in **ES Volume 3, Appendix 6.3: Confidential Badger Survey Report [EN0110020/APP/6.20]** and discussed in Section 6.8 of **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**.

#### **The Environment Act 2021<sup>5</sup>**

- 6.1.5 Under the Environment Act developers in England must deliver at least a mandatory 10% Biodiversity Net Gain (BNG) from every development which receives Town and Country Planning Act 1990 planning permission from 12th

February 2024 (at application) 6. For Nationally Significant Infrastructure Projects (NSIPs) (Planning Act 2008 consents), statutory 10% BNG will become mandatory from May 2026 following the publication of secondary legislation under Schedule 14. **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]** aligns with the transitional arrangements now published by the Department for Environment, Food and Rural Affairs (DEFRA). Relevant for developers to take account of these upcoming requirements by law in addition to planning policy requirements for net gain in biodiversity.

### **The Conservation of Habitats and Species Regulations 2017<sup>vi</sup>; (as amended) ('Habitat Regulations')**<sup>6</sup>

- 6.1.6 The Habitat Regulations sets out duties for relevant public authorities to exercise their nature conservation functions in compliance with, or with regard to, the requirements of the Habitats Directive and the Wild Birds Directives, with regard to designated sites and protected species. The assessment of effects on protected species is in Section 6.8 of **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**.

### **The Wildlife and Countryside Act 1981 (as amended)**<sup>7</sup>

- 6.1.7 The primary legislation which protects flora, fauna and habitats in the UK. Species include reptiles, water vole and breeding birds. The assessment of effects on protected species is in Section 6.8 of **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**.

### **Countryside and Rights of Way Act 2000**<sup>8</sup>

- 6.1.8 The Countryside and Rights of Way Act 2000 is an Act to make new provision for public access to the countryside, to amend the law relating to public rights of way, to enable traffic regulation orders to be made for the purpose of conserving an area's natural beauty, to make provision with respect to the driving of mechanically propelled vehicles elsewhere than on roads, to amend the law relating to nature conservation and the protection of wildlife, to make further provision with respect to areas of outstanding natural beauty, and for connected purposes.

### **The Natural Environment and Rural Communities (NERC) Act 2006**<sup>9</sup>

- 6.1.9 Legislation which extended a duty to public bodies and statutory undertakers to ensure due regard to the conservation of biodiversity. Led to the creation of Natural England and Commission for Rural Communities. Section 41 of this Act sets out a list of habitats and species which are of principal importance for the conservation of biodiversity in England. In Species include, but are not limited to skylark, hare, hedgehog and common toad. Habitats include, but are not limited to broadleaved woodland, hedgerows, open standing water, open mosaic habitat.

### **Infrastructure Planning (Environmental Impact Assessment (EIA)) Regulations 2017<sup>10</sup>**

- 6.1.10 Transposes changes made to European Union (EU) Directive 2011/92/EU1 (“the EIA Directive”) by EU Directive 2014/52/EU2. They relate to certain development given planning permission through the town and country planning system. Under Regulation 15, this allows where an EIA application is being submitted, a request in writing to the relevant planning authority as to what their opinion as to the scope and level of detail of the information is to be provided in the environmental statement (i.e. Scoping Opinion). Requests for a Scoping Opinion are extended to NSIPs where a Development Consent Order (DCO) is being sought. Scoping Opinion responses were received for the Proposed Development by the Planning Inspectorate and are detailed in Table 6.1 of **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**.

### **The Salmon and Freshwater Fisheries Act 1975<sup>11</sup>**

- 6.1.11 Focuses on conservation and management of freshwater fisheries, providing statutory protection to spawning fish and their habitats, seeking prevention of aquatic pollution, and impacts to migratory and other fish species. An assessment of effects is included in **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**, with mitigation measures included within the **outline Construction Environment Management Plan (oCEMP) [EN0110020/APP/5.9]**.

### **The Eels (England and Wales) Regulations 2009<sup>12</sup>**

- 6.1.12 Provides for powers to the Environment Agency to implement eel recovery measures in all freshwater and estuarine waters in England and Wales. Seeks to extend hydrological connectivity to migratory eels, through ensuring this is maintained and extended (e.g. the installation of eel passes). An assessment of effects is included in **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**, with mitigation measures included within the **oCEMP [EN0110020/APP/5.9]**.

### **Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024<sup>13</sup>**

- 6.1.13 Defines what constitutes irreplaceable habitat for BNG purposes. This includes habitats like ancient woodland, ancient and veteran trees, blanket bog and limestone pavements. The assessment of effects on irreplaceable habitats is in Section 6.8 of **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**.

### **The Management of Hedgerows (England) Regulations 2024<sup>14</sup>**

- 6.1.14 Establishes a legal baseline for hedgerow protection and management on agricultural land, following withdrawal of cross-compliance rules. The main components of the legislation are that there is a prohibition on cutting or trimming hedgerows between March 1 and August 31, a period designated to protect nesting birds; maintenance of a 2-meter buffer strip to cultivated land measured from the centre of a hedgerow; and a restriction on the cultivation or application of

pesticides or fertilizers within the two-meter buffer strip to protect hedgerows and biodiversity. This is referenced as the minimum legal requirement within Section 6.7 of **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**.

### **Invasive Alien Species (Enforcement and Permitting) Order 2019<sup>15</sup>**

- 6.1.15 The Invasive Alien Species (Enforcement and Permitting) Order 2019 implements and enforces EU invasive alien species controls in England and Wales, providing enforcement powers, permitting arrangement, and an approach that automatically reflects updates to the EU species list.

### **The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017<sup>16</sup>**

- 6.1.16 The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 is a retained EU law that is a domestic legislation derived from the overarching Water Framework Directive (2000/60/EC). It establishes a framework to protect the UK's water environments by preventing their deterioration and improving their quality. This is achieved through setting ecological targets and environmental objectives to ensure the protection, improvement, and sustainable use of all water environments. The legislation establishes a legal framework to protect and improve the quality of water bodies by requiring the implementation of River Basin Management Plans. These regulations enforce strict standards to prevent deterioration of water status, promote sustainable water use, and ensure that all water bodies meet high ecological and chemical standards.

### **The Wild Mammals (Protection) Act 1996<sup>17</sup>**

- 6.1.17 The Wild Mammals (Protection) Act 1996 is an Act to make provision for the protection of wild mammals from certain cruel acts and for connected purposes. An offence included within the Act is the attempted killing of any such wild mammal.

### **Planning and Infrastructure Act 2025<sup>18</sup>**

- 6.1.18 The Planning and Infrastructure Act introduces Environmental Delivery Plans (EDPs) and the Nature Restoration Levy (NRL). These have not been enacted yet but may play a role in terms of alternative mitigation strategies – payment of the levy can disapply/satisfy certain environmental obligations under the following; Habitats Regulations (2017), Wildlife & Countryside Act (1981), Protection of Badgers Act (1992). EDPs must demonstrate an overall improvement test, ensuring conservation gains exceed impacts. Natural England will also gain enhanced powers of entry, land acquisition, and monitoring for implementation of EDP measures. If the Proposed Development falls within an EDP area (expected to be operational within 2026), some protected species licensing may be handled via the NRL as opposed to traditional licensing.

## Policy

### National Planning and Policy Framework (NPPF)<sup>19</sup>

- 6.1.19 Measures to address conserving, mitigating effects to, and enhancing natural environment features including designated sites, protected and priority species, and habitats referenced under Paragraphs 187 to 201 of the NPPF are detailed for these features within Section 6.7 of **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**.

### Overarching National Policy Statement (NPS) for Energy (EN-1)<sup>20</sup>

- 6.1.20 EN-1 paragraph 5.4.18 states *“Where the development is subject to EIA the applicant should ensure that the ES clearly sets out any effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats.”* Potential effects upon designated sites, protected species, habitats and other species identified as being of principal importance for the conservation of biodiversity are considered within **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**.
- 6.1.21 EN-1 paragraphs 5.4.20 – 5.4.22 state:
- *“The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.”;*
  - *“Applicants should consider wider ecosystem services and benefits of natural capital when designing enhancement measures”;* and
  - *“...the design process should embed opportunities for nature inclusive design. Energy infrastructure projects have the potential to deliver significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains The scope of potential gains will be dependent on the type, scale, and location of each project.”*
- 6.1.22 Information on the baseline BNG assessment is provided in **ES Volume 3, Appendix 6.4: BNG Report [EN0110020/APP/6.20]**. Potential opportunities to enhance biodiversity is referenced in Section 6.7 of the **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**. **ES Volume 3, Appendix 6.4: BNG Report [EN0110020/APP/6.20]** details opportunities to provide BNG enhancements. The Applicant is committed to achieving at least a 10% net gain in biodiversity.
- 6.1.23 Paragraph 5.4.23 states *“The design of energy NSIP proposals will need to consider the movement of mobile/migratory species such as birds, fish and marine and terrestrial mammals and their potential to interact with infrastructure. As energy infrastructure could occur anywhere within England and Wales, both inland and onshore and offshore, the potential to affect mobile and migratory species across the UK and more widely across Europe (transboundary effects) requires consideration, depending on the location of development.”* Potential effects on mobile/migratory terrestrial species and migratory aquatic species being of principal importance for the conservation of biodiversity are considered within Section 6.8 of **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**.

- 6.1.24 Paragraph 5.4.26 states that *“The applicant should seek the advice of the appropriate Statutory Nature Conservation Bodies (SNCB) and provide the Secretary of State with such information as the Secretary of State may reasonably require, to determine whether an Habitat Regulations Assessment (HRA) Appropriate Assessment is required.”* Natural England has agreed that there are no potential impacts on internationally designated sites, and as a result, a HRA is not required. This is detailed in **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**.
- 6.1.25 Paragraph 5.4.33 states that *“Applicants should include measures to mitigate fully the direct and indirect effects of development on ancient woodland, ancient and veteran trees or other irreplaceable habitats during both construction and operational phases”*. Embedded and additional mitigation measures are included within Section 6.7 of **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**.
- 6.1.26 Para 5.4.34 states that *“Applicants should consider any reasonable opportunities to maximise the restoration, creation, and enhancement of wider biodiversity, and the protection and restoration of the ability of habitats to store or sequester carbon”*. **ES Volume 3, Appendix 6.4: BNG Report [EN0110020/APP/6.20]** provides an overview of the opportunities to enhance biodiversity. There is a commitment to delivering a minimum 10% net gain in biodiversity for the Proposed Development.
- 6.1.27 Paragraph 5.4.36 states that *“Applicants should include appropriate avoidance, mitigation, compensation and enhancement measures as an integral part of the proposed development. In particular, the applicant should demonstrate that:*
- *During construction, they will seek to ensure that activities will be confined to the minimum areas required for the works;*
  - *The timing of construction has been planned to avoid or limit disturbance;*
  - *During construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport arrangements; and*
  - *Habitats will, where practicable, be restored after construction works have finished opportunities will be taken to enhance existing habitats rather than replace them, and where practicable, create new habitats of value within the site landscaping proposals. Where habitat creation is required as mitigation, compensation, or enhancement the location and quality will be of key importance. In this regard habitat creation should be focused on areas where the most ecological and ecosystems benefits can be realised.”*
- 6.1.28 Mitigation has been incorporated into the design and construction, operation and maintenance, and decommissioning phases of the Proposed Development. With all mitigation in place, it is anticipated that there would still be unavoidable losses to ecology, and these will be addressed through enhancement measures in accordance with Biodiversity Net Gain. Accordance with the detailed requirements of EN-1 is set out in the **Planning Statement [EN0110020/APP/5.4]** submitted with the Application.
- 6.1.29 Paragraph 5.4.37 of EN-1 states *“Applicants should produce and implement a Biodiversity Management Strategy as part of their development proposals. This could include provision for biodiversity awareness training to employees and contractors so as to avoid unnecessary adverse impacts on biodiversity during the construction and operation stages.”* Mitigation to avoid unnecessary adverse

impacts on biodiversity during the construction and operation phases of the Proposed Development have been included within the **oCEMP [EN0110020/APP/5.9]**, the **outline Operational Environmental Management Plan (oOEMP) [EN01100200/APP/5.10]**, and the **outline Landscape and Ecology Management Plan (oLEMP) [EN0110020/APP/5.13]**.

### **National Policy Statement for Renewable Energy Infrastructure (EN-3)<sup>21</sup>**

- 6.1.30 Paragraph 2.3.6 of EN-3 states: *“When considering applications for CNP [critical national priority] Infrastructure in sites with nationally recognised designations (such as SSSIs [Site of Special Scientific Interest], National Nature Reserves, National Parks, the Broads, National Landscapes, Registered Parks and Gardens, Listed Buildings and Scheduled Monuments, designated marine protected areas and World Heritage Sites), the Secretary of State will take as the starting point that the relevant tests in Sections 5.4 and 5.10 of EN-1 have been met, and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the urgent need for this type of infrastructure.”* Potential effects upon designated sites, and the features for which they are designated are considered within Section 6.8 of **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**.
- 6.1.31 Paragraph 2.10.12 states: *“In order to maximise irradiance, applicants may choose a site and design its layout with variable and diverse panel types and aspects, and panel arrays may also follow the movement of the sun in order further to maximise the solar resource.”* Paragraph 2.10.13 states: *“Applicants should consider important issues relating to network connection at Section 4.11 of EN-1 and in EN-5.”* Information on site selection and evolution of the Proposed Development design is provided in **ES Volume 1, Chapter 4: Alternatives and Design Evolution [EN0110020/APP/6.4]**, with information on the Proposed Development and design specification provided in **ES Volume 1, Chapter 5: The Proposed Development [EN0110020/APP/6.5]**.
- 6.1.32 Paragraphs 2.10.67 – 2.10.84 of EN-3 discusses impacts relating to biodiversity, ecological, geological conservation and water management. Paragraph 2.10.81 and 2.10.82 state that *“solar farms have the potential to increase the biodiversity value of a site”* and that *“applicants should consider any reasonable opportunities to maximise restoration, creation, and enhancement of wider biodiversity”*. The restoration, create, and enhancement of wider biodiversity is discussed in **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]** and **ES Volume 3, Appendix 6.4: BNG Report [EN0110020/APP/6.20]**.
- 6.1.33 It is noted that the impacts identified within this section are not intended to be exhaustive and *“Applicants should provide information of relevant impacts as directed by this NPS and the SoS [Secretary of State]”* Potential effects upon designated sites, protected species, habitats and other species identified as being of principal importance for the conservation of biodiversity are considered within Section 6.8 of **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**

## National Policy Statement for Electricity Networks Infrastructure (EN-5) <sup>22</sup>

- 6.1.34 As stated in Section 2.5 of EN-5 *“When planning and evaluating the proposed development’s contribution to environmental and biodiversity net gain, it will be important – for both the applicant and the Secretary of State – to supplement the generic guidance set out in EN-1 (Section 4.5) with recognition that the linear nature of electricity networks infrastructure can allow for excellent opportunities to:*
- i. reconnect important habitats via green corridors, biodiversity stepping zones, and reestablishment of appropriate hedgerows;...”*

Information on the baseline BNG assessment is provided in **Volume 3, Appendix 6.4: BNG Report [EN0110020/APP/6.20]**. Potential opportunities to enhance biodiversity is referenced in Section 6.7 of the ES. The BNG report details opportunities to provide BNG enhancements. There is a commitment to delivering a minimum 10% net gain in biodiversity for the Proposed Development. Details on how this would be implemented are included in the **oLEMP [EN0110020/APP/5.13]** and addressed in the **ES Volume 3, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**.

- 6.1.35 Section 2.9 of EN-5 details the assessment of impacts in relation to electricity networks infrastructure. Impacts specifically relating to biodiversity are detailed in paragraphs 2.9.3 to 2.9.6: *“Electricity networks infrastructure pose a particular potential risk to birdlife including large birds, such as swans and geese, and perching birds. These may collide with overhead lines and risk being electrocuted. Large birds may also be electrocuted when landing or taking off by completing an electric circuit between live and ground wires. Even perching birds can be killed as soon as their wings touch energised parts of the infrastructure”.*
- 6.1.36 As stated in Section 2.10 of EN-5 *“The Applicant should consider and address routing and avoidance/minimisation of environmental impacts both onshore and offshore at an early stage in the development process.”* In relation to biodiversity, paragraphs 2.10.2 to .10.4 state:
- *“Careful siting of a line away from, or parallel to, but not across, known flight paths can reduce the numbers of birds colliding with overhead lines considerably;*
  - *Making lines more visible by methods such as the fitting of bird flappers and diverters to the earth wire, which swivel in the wind, glow in the dark and use fluorescent colours designed specifically for bird vision can also reduce the number of deaths. The design and colour of the diverters will be specific to the conditions – the line and pylon/transmission tower specifications and the species at risk; and*
  - *Electrocution risks can be reduced through the design of lattice steel tower crossarms, insulators and the construction of other parts of high voltage power lines so that birds find no opportunity to perch near energised power lines on which they might electrocute themselves”*

Within EN-5 it is also stated that *“Applicants should consider measures to make lines more visible such as bird flappers and diverters which are covered in more detail in Sections 2.10.2 - 2.10.4. The applicant will need to consider whether the proposed line will cause such problems at any point along its length and take this into consideration in the preparation of the ES (see Section 4.3 of EN-1). Particular consideration should be given to feeding and hunting grounds, migration corridors*

*and breeding grounds, where they are functionally linked to sites designated or allocated under the 'national site network' provisions of the Conservation of Habitats and Species Regulations and Conservation of Offshore Marine Habitats and Species Regulations."* However, it is important to note that the impacts identified are not intended to be exhaustive.

- 6.1.37 Embedded Design Measures are included within Section 6.7 of **ES Volume 2, Chapter 6: Biodiversity and Nature Conservation [EN0110020/APP/6.6]**. Proportionate mitigation measures for birds are included within the **oCEMP [EN0110020/APP/5.9]**.

### **Environmental Improvement Plan (EIP) 2025<sup>23</sup>**

Having been operationalised through the Environment Act, the EIP now provides binding long-term targets relating to species abundance, habitat creation and water quality. Although not legislation, the EIP sets policy expectations relevant for BNG, Local Nature Restoration Strategy applications, and nature recovery measures.

### Local Policy

6.1.38 Local policy that has been considered includes:

- Rotherham Metropolitan Borough Council Local Plan<sup>24</sup>;
- Policy NE 1: Biodiversity. Dinnington St Johns Neighbourhood Plan<sup>25</sup>;
- Policy GS1: Biodiversity & Green Infrastructure. Wickersley Neighbourhood Plan<sup>26</sup>;
- Policy M9: Nature Conservation. Maltby Neighbourhood Plan<sup>27</sup>;
- Sheffield Local Biodiversity Action Plan (LBAP)<sup>28</sup>;
- Rotherham LBAP<sup>29</sup>;
- South Yorkshire Local Nature Recovery Strategy (LNRS) (Developing)<sup>30</sup>;
- North East Derbyshire District Council (NEDDC) Local Plan<sup>31</sup>;
- NEDDC Neighbourhood Plans;
- Killamarsh Neighbourhood Plan (in preparation)<sup>32</sup>; and
- Derbyshire County Council (DCC): Council Plan 2026 to 2029<sup>33</sup>.

### Guidance

6.1.39 Guidance that has been considered includes:

- Chartered Institute of Ecology and Environmental Management (CIEEM) (2024). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine<sup>34</sup>;
- Stanbury, *et al.* (2021). Birds of Conservation Concern (BoCC): the population Status of Birds in the United Kingdom<sup>35</sup>;
- Bird Survey & Assessment Steering Group. (2025). Bird Survey Guidelines for Assessing Ecological Impacts<sup>36</sup>;
- UK Biodiversity Framework (2024)<sup>37</sup>;
  - Focuses on activities that provide opportunities for meeting the UK's commitments more efficiently at a UK scale, that add value to delivery in all countries of the UK, and that contribute to informing UK positions. For the Proposed Development, this will include seeking to align with LNRS, whilst achieving statutory BNG, with detailed habitat creation and mitigation proposed in the ES. Key regulations included within the full suite include; Biodiversity Gain Site Register Regulations, Biodiversity Gain Plan Regulations, Habitat Management and Monitoring Plan Regulations, which mandate submission of a Biodiversity Gain Plan, registration of off-site gains, and a statutory 30-year management and monitoring requirement.
- Bat Conservation Trust (2023). Bat Surveys for Professional Ecologists: Good Practice Guidelines (4<sup>th</sup> Edition)<sup>38</sup>;
- Reason, P.F. and Wray, S. (2023). UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats<sup>39</sup>;

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- Froglife (1999). Reptile Survey: An introduction to planning, conducting and interpreting surveys for snake and lizard conservation. Froglife Advice Sheet 10<sup>40</sup>;
- English Nature (2001). Great crested newt mitigation guidelines<sup>41</sup>;
- Langton *et al.* (2001). Great Crested Newt Conservation Handbook. Froglife<sup>42</sup>
- Oldham *et al.* (2000). Evaluating the suitability of habitat for the Great Crested Newt (*Triturus cristatus*). *Herpetological Journal* 10(4), pp143-155.<sup>43</sup>
- Harris *et al.* (1989). Surveying Badgers, Mammal Society<sup>44</sup>;
- Defra (2007). Hedgerow Survey Handbook: A standard procedure for local surveys in the UK, 2<sup>nd</sup> Edition<sup>45</sup>;
- Chanin P (2003). Monitoring the Otter *Lutra lutra*. Conserving Natura 2000 Rivers Monitoring Series No. 10<sup>46</sup>;
- Dean, *et al.* (2016). The Water Vole Mitigation Handbook: Mammal Society Mitigation Guidance Series<sup>47</sup>;
- WildCRU (2011). The Water Vole Conservation Handbook (3<sup>rd</sup> Edition)<sup>48</sup>;
- UKHab Ltd (2023). UK Habitat Classification Version 2.0<sup>49</sup>;
- British Standards (2012). 'Trees in Relation to Design, Demolition and Construction – Recommendations' (BS 5837)<sup>50</sup>;
- MoRPh River Condition Assessment Methodology<sup>51</sup>;
- Yorkshire Wildlife Trust (2024). State of Yorkshire's Nature: What we know about nature and wildlife in Yorkshire.<sup>52</sup>; and
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